

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Miscellaneous No.24953 of 2016

Arising Out of PS.Case No. -162 Year- 2015 Thana -MANSI District- KHAGARIA

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Bablu Yadav S/o Late Bisheshwar Yadav R/o village- East Thata, P.S.- Mansi,
District- Khagaria

.... Petitioner/s

Versus

The State of Bihar

.... Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.

For the Opposite Party/s : Mr.

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CORAM: HONOURABLE MR. JUSTICE AHSANUDDIN AMANULLAH

ORAL JUDGMENT

Date: 07-06-2016

Heard learned counsel for the petitioner, learned A.P.P.
for the State and learned counsel for the informant.

The petitioner seeks bail in Mansi P.S. Case No. 162 of
2015 dated 31.07.2015 instituted under Sections 302/34 of the Indian
Penal Code and 27 of the Arms Act.

The petitioner is accused to have shot on the neck of the
father of the informant along with others resulting in death.

Learned counsel for the petitioner submits that the
allegation of firing on the temporal region is against another co-
accused which is corroborated in the postmortem report but with
regard to the petitioner the allegation is that he along with another co-
accused fired on the neck region but the postmortem report discloses
only one wound on the upper part of back of neck and thus the version
in the F.I.R. cannot be relied upon as it is falsified by the postmortem
report. Learned counsel submits that there is enmity between the

parties as the informant is accused to have shot dead the father of the petitioner for which he is facing trial.

Learned A.P.P. and learned counsel for the informant oppose the prayer for bail. They submit that the fact that the petitioner's father is alleged to have been killed by the informant is sufficient motive for the petitioner to kill the father of the informant. It is further submitted that the police have recovered three empty cartridges from the site of the incident where three persons have fired which is also corroborated and at this stage the Court may not go into the aspect as he shot and hit the deceased and it would be sufficient that all three accused persons against whom there is direct allegation of firing did fire and thus the ingredients of the F.I.R. Sections are satisfied.

Considering the facts and circumstances of the case and submissions of learned counsel for the parties, the Court is not inclined to enlarge the petitioner on bail.

Accordingly, the application stands dismissed.

(Ahsanuddin Amanullah, J)

Anjani/-

AFR/NAFR	NAFR
CAV DATE	N/A
Uploading Date	
Transmission Date	